

RESOLUTION NO. 2016-18

A RESOLUTION OF THE CITY OF BENTON CITY, WASHINGTON, DECLARING A RENEWAL OF THE MORATORIUM ESTABLISHED BY RESOLUTION NO. 2013-20, EXTENDED BY RESOLUTION NO. 2013-26, AND RENEWED BY RESOLUTION NO. 2014-18 AND RESOLUTION NO. 2015-06 AND RESOLUTION NO. 2015-17 AND RESOLUTION NO. 2016-08 ADOPTING FINDINGS OF FACT AND APPROVING AN AMENDED WORK PLAN

WHEREAS, Initiative 502 ("I-502") was passed in November 2012 legalizing, for purposes of State law, marijuana production, processing and retail sales; and

WHEREAS, the Washington State Liquor Cannabis Board has promulgated regulatory rules identified as Washington Administrative Code Chapter 314-55; and

WHEREAS, the City passed Resolution No. 2013-20 on August 6, 2013 establishing a moratorium on the siting of any marijuana production, processing or retail sale establishment for the purpose of allowing the City time to research the issue and make educated decisions regarding local zoning and regulation; and

WHEREAS, the City pursuant to RCW 35A.63.220 held a public hearing on the moratorium on October 1, 2013; and

WHEREAS, the City pursuant to RCW 35A.63.220 adopted Findings of Fact, approved a Work Plan, and extended the moratorium for one year on October 14, 2013; and

WHEREAS, the City pursuant to RCW 35A.63.220 held a subsequent public hearing on September 16, 2014 at 7:00pm on whether to renew the current moratorium.

WHEREAS, the City pursuant to RCW 35A.63.220 adopted Findings of Fact, approved a Work Plan, and renewed the moratorium for six months on October 7, 2014; and

WHEREAS, the City pursuant to RCW 35A.63.220 held a public hearing on the moratorium on April 21, 2015 at 6:00pm; and

WHEREAS, the City pursuant to RCW 35A.63.220 adopted Findings of Fact, approved a Work Plan, and renewed the moratorium for six months on May 5, 2015; and

WHEREAS, the City pursuant to RCW 35A.63.220 held a subsequent public hearing on October 20, 2015 on whether to renew the current moratorium.

WHEREAS, the City pursuant to RCW 35A.63.220 adopted Findings of Fact, approved a Work Plan, and renewed the moratorium for six months on November 3, 2015; and

WHEREAS, the City pursuant to RCW 35A.63.220 held a subsequent public hearing on May 3, 2016 on whether to renew the current moratorium.

WHEREAS, the City pursuant to RCW 35A.63.220 adopted Findings of Fact, approved a Work Plan, and renewed the moratorium for six months on May 3, 2016; and

WHEREAS, the City pursuant to RCW 35A.63.220 held a public hearing on the moratorium on October 18, 2016 at 7:00pm; and

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, hereby resolves as follows:

Section 1. Findings of Fact. The City of Benton City hereby adopts the following findings of fact:

A. On October 18, 2016, the City held a duly noticed public hearing on the moratorium established originally by Resolution No. 2013-20, extended by Resolution No. 2013-26, and subsequently renewed by Resolution No. 2014-18 and Resolution No. 2015-06 and Resolution No. 2015-17 and Resolution No. 2016-08. Members of the public were offered an opportunity to speak for or against the renewal of the moratorium or other issues relating to I-502.

B. Under Federal law, the Controlled Substance Act, marijuana is still a Schedule I drug, and there appears to be a clear conflict between complying with Federal and State law.

C. Even though there were significant legislative changes in 2015 that consolidated laws regarding medical marijuana and recreational marijuana, and helped to clarify I-502. There is pending case law that may impact operation of this law as well as opportunity to receive additional clarification from Federal agencies regarding enforcement of the Controlled Substance Act.

D. Allowing marijuana relating business to locate within the City of Benton City raises numerous concerns regarding impacts to the environment, the economy, and the general health and safety of the citizenry. Taking additional time before implementing local zoning regulations will allow the City the advantage of learning from larger jurisdictions that have more funding to deal with the issue, and observing the trial and error process that occurs in this groundbreaking area of the law.

E. Continuing work on a Work Plan for this process will allow the City to stay on track and make progress towards making a final determination on how the City will comply with I-502.

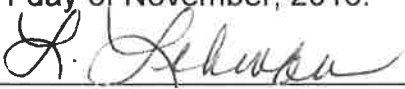
Section 2. Renewal of Moratorium. The moratorium imposed pursuant to Resolution No. 2013-20, extended by Resolution No. 2013-26, and renewed by Resolution No. 2014-18 and Resolution No. 2015-06 and Resolution No. 2015-17 and Resolution No. 2016-08 shall remain in effect in accordance with the terms of said Resolution, and shall be renewed for an additional six (6) months to complete a Work Plan and implement appropriate local regulations. The moratorium shall expire after six (6) months, or immediately upon passage of local zoning regulations.

Section 3. Amending of Work Plan. The Work Plan attached hereto as Exhibit A is hereby amended to reflect the changes and the progress by the City Council.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and signature below.

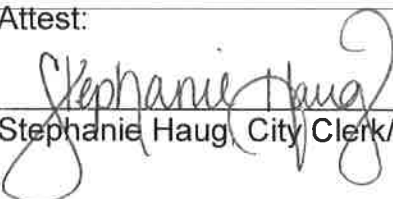
ADOPTED this 1 day of November, 2016, by the City Council of the City of Benton City, Washington, and signed in authentication of its passage this 1 day of November, 2016.

Resolution 2016-18 filed and recorded in the office of the City Clerk of the City of Benton City, Washington, this 1 day of November, 2016.



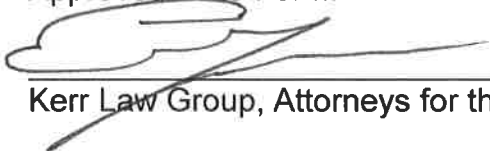
Linda Lehman, Mayor

Attest:



Stephanie Haug, City Clerk/Treasurer

Approved as to Form:



Kerr Law Group, Attorneys for the City

MORATORIUM WORK PLAN
RCW 35A.63.220

The following steps are intended to identify the expected process of creating legislation unique to the City of Benton City's needs and legislative priorities.

1. Research cities/states with similar circumstances/laws pertaining to recreational marijuana.
 2. Research Washington Cities Insurance Association, Association of Washington Cities and the Municipal Research and Service Center to determine latest developments, cautions, examples and experiences in regulation of recreational and medicinal marijuana.
 3. Research current State law and reconcile the discrepancy of federal laws concerning processing, producing and retail sales of recreational marijuana, the question of precedence of State versus Federal law and the implications of risk of prosecution of City personnel implementing State law.
 4. Involve City staff and contractors to determine the extent and degree of intervention needed from a licensing, taxation, code enforcement, crime prevention, public safety (police and fire protection) and zoning standpoint and other applicable concerns.
 5. Research the degree of consistency for regulation desired/needed from Benton County and neighboring jurisdictions.
 6. Evaluate the expected timeframe of developing local regulation against any State legislative movement. Consider renewal of the moratorium as needed.
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7. Develop draft legislative alternatives for regulating recreational marijuana cooperative gardens.
 8. Review developing State legislative amendments to State law concerning cooperative medical marijuana gardens.
 9. City staff update to City Council presentation at Council meeting tentatively scheduled for November 2016.
 10. Return to Council for formal action as directed.
 11. Obtain the results of an Advisory Election on November 8, 2016 for the citizens of Benton City to vote on whether they prefer to regulate or ban recreational and medical marijuana sales, production, and manufacturing.